

MINUTES OF THE ADJOURNED JOINT PUBLIC MEETING OF THE COUNCIL OF THE
TOWN OF WARRENTON AND FAUQUIER COUNTY BOARD OF SUPERVISORS
HELD ON AUGUST 24, 2004

Those members of the Fauquier County Board of Supervisors present were Mr. Harry Atherton, Chairman, Mr. Raymond Graham, Vice Chairman, Mr. Chester Stribling, Mr. William Downey, and Mr. Richard Robison. County staff present were: Mr. G. Robert Lee, County Administrator, Mr. Rick Carr, Planning/Zoning, Mr. Tony Hooper, Ms. Katie Heritage, Mr. Paul McCulla, Ms. Renee Andersen and Ms. Nancy Albert.

Town Council present were Mr. George Fitch, Mayor, Mr. David A. Norden, Vice Mayor, Mr. Birge S. Watkins, Mr. John V. Albertella, Mr. John E. Williams, Mr. Dennis M. Sutherland, Mr. Terrence L. Nyhous and Mr. John S. Lewis. Town staff present were Mr. Kenneth L. McLawhon, Town Manager, Edward B. Tucker, Jr., Director of Public Works/Utilities, Christopher Mothersead, Community Development Director, Mr. Andrew Hushour, Zoning Administrator, Mr. Richard Heartley, Director of Finance/Human Resources, Mr. Whitson Robinson, Town Attorney, and Evelyn J. Weimer, Town Recorder.

Others present were: Mr. Lawrence Emerson, Mr. Larry Kovalik, Mr. Yak Lubowsky, Mr. Talmage Reeves, Ms. Madge Harper, Mr. Milton Herd, Mr. Marshall Bailey, Ms. Maria Del Rosso, and Mr. Ernie Hueter.

Mr. Harry Atherton, Chairman, Board of Supervisors called the meeting of the Board to order and called for adoption of the agenda. The agenda was adopted with the addition of a closed session.

Mayor George Fitch called the adjourned meeting of the Town Council to order and the agenda was adopted on a motion by Mr. Watkins, seconded by Mr. Norden, with a 7-0 vote (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, and Lewis).

Mr. Atherton called upon Mr. Ted McCormack, Associate Director, Commission on Local Government, to address both of the governing bodies, staff and guests in attendance on the role of the Commission on Local Government and alternative approaches to service provision and intergovernmental concerns. He gave various examples within the Commonwealth which addressed joint service delivery.

Following Mr. McCormack's presentation, Mr. Atherton called for questions.

Mr. Lewis asked if current Council's/Board's decisions would be binding future Boards or Councils. Mr. McCormack noted that they would only be binding proprietary services.

Mr. McLawhon asked for Mr. McCormack's observations concerning joint zoning and asked if there were such situations in the State and asked for pros/cons of interest. Mr. McCormack stated that zoning approval rests with the government where the property is located but it could be contracted and cited the example of Colonial Beach and Westmoreland County.

Mr. Lee asked Mr. McCormack to talk about the town taxpayer being a county taxpayer also and supported the school system and how proffers for schools may be obtained via the "involuntary settlement" mechanism.

Mr. McCormack indicated that dollars could be collected from developers via proffers which could be passed along to the County. Mr. McCormack cited Smithfield/Isle of Wight and Purcellville/Loudoun instances.

Mr. Williams asked about sharing of Parks and Recreation Departments such as Leesburg/Loudoun. Mr. McCormack also cited Williamsburg and Fredericksburg as examples.

Mr. Atherton asked how often towns and counties enter into agreements and Mr. McCormack responded about 80% of the time and they are agreements which are annexation related and include other issues.

Mr. Downey asked if there were examples of jointly owned real estate. Mr. McCormack noted he was not familiar with examples of any properties jointly owned. Mr. Downey asked about examples of capital projects jointly funded and Mr. McCormack noted that none come to mind.

Mr. Albertella asked if there were any patterns of funding within a town/county relationship that was more typical than others and how that criteria was used to develop cost sharing. Mr. McCormack noted that there would be an equal number of votes.

There was discussion on establishing authorities and how they operate. Mr. McCormack noted that the governing body could maintain the facility and have the authority operate it. Mr. McCormack noted that authorities have the responsibility of the local government.

Mr. McLawhon inquired further about a recreation authority in terms of their "borrowing power and capabilities would be." Mr. McCormack indicated that authorities can enter into debt and the debt of the authority is not counted against the governing bodies which make up the authority.

Mr. Downey inquired about the Town/County relationship as far as meals tax revenue sharing. Mr. McCormack stated that he knew of a number of arrangements, citing Chincoteague, VA.

Mr. Williams questioned if towns and counties work together in parking situations. Mr. McCormack stated that there are a number of parking authorities established but they usually require a special act of the General Assembly.

Mr. Downey asked if the model for the Town of Culpeper parking authority was available and Mr. McCormack responded that it was written specifically for Culpeper's use.

Mr. McLawhon asked Mr. McCormack to differentiate between utility authorities and recreation authorities. Mr. McCormack noted that the membership structure was critical if a recreation authority manages a recreation center. The structure of WSA has a history of fears. Mr. McCormack noted an authority could have membership of elected leaders who are subject to voters where terms of office coincide with terms of the authority.

Mr. Herd asked if an authority could be established for water and sewer which would be given guidance through the Comprehensive Plan. Mr. McCormack commented that he was not sure and that legal counsel should indicate if it was possible.

Mr. McCormack indicated he would do some research on joint capital/joint ownership of property.

Mr. McLawhon stated that the Comprehensive Plan could be an example in which cooperation between the two jurisdictions could be advanced via both jurisdictions' comprehensive plans revised no longer than every five years. Mr. Lee noted the County considers Comprehensive Plan matters when the services are reviewed annually. There could be joint arrangements.

Mr. McCormack stated that it was whatever local governments want to do they must be kept current and there could be coordination between the Town and County process.

Mayor Fitch stated that further discussion should ensue in reference to the committees already established. He noted several projects are being looked at.

- Recreation Committee: the Town is moving forward and bids have been opened and the Town would proceed with phase one.
- Downtown parking: the Town was proposing that the County contribute financially toward the cost and that 120-150 spaces would be established and people would pay to park.
- Other items are the visitor center and joint planning commission.

Mr. Atherton stated that it was disconcerting that the two jurisdictions could not jointly own property. He further indicated he would agree to contributing toward parking garage to the extent that the parking problem is created by the presence of County government and incumbent on the County to participate. He stated that the County had to meet the obligation of providing parking for its own employees. As far as the recreation center, Mr. Atherton noted that the County had already contributed \$1.3 million toward the recreation center. He further noted that he was somewhat skeptical of creating a park and recreation authority and that the Town park/recreation authority in a county this size cannot generate anything sufficient to allow the issuance of bonds. He suggested entering into a contract with the County Parks and Recreation Department.

Concerning the visitor center, Mr. Atherton stated that the County will consider merging its tourism department into the visitor center.

Mr. McLawhon noted that there was currently jointly owned Town/County property with the Shadowlawn 75/25 arrangement and that parking could be created in the environs via a parking deck. He also noted that the County library is Town owned property, there was already an agreement with the County Parks and Recreation Department to run Rady Park and there were other unexplored ways to address unmet needs. He indicated a joint planning commission could be established and the "proffer situation" could be further explored.

Mr. Lee asked if joint planning was agreed upon if there were examples. Mr. McCormack noted that the County could confer with the Town on joint land use planning for land currently not part of the town.

Mr. Robison noted that the County had just completed a comprehensive plan review.

Mr. Downey noted that in addition to land use transportation should not be eliminated. He suggested creating a County transportation plan. As far as the recreation center, he suggested that the Town and County look at what could be done jointly.

Mayor Fitch felt the County should go far beyond providing parking for its employees because tax revenues to the County are twelve times greater than to the Town and that the County had an obligation to contribute toward a parking garage to support business and tourism and other activities that support tax revenue of the County.

Mr. Williams noted that economic development is often considered just being for real estate building tax rather than taking care of current businesses that need support and help.

Mr. Robison felt that funding and assisting with funding projects was only "looking at one side of the coin," noting that with the residential growth in the County, that the average household consumes more in local services than they pay in taxes. He urged consideration of proffers where funds were obtained for schools, school site, parks and recreation and fire and rescue. He pointed out that there was Town residential growth with financial impacts but there were no proffers for the County and the County was faced with building a third high school.

Mr. Norden stated that the Town in the past had looked into extracting proffers for the County's benefit and also noted that the Town had not rezoned any properties in his six years on Council where proffers could have been requested. He indicated that on several occasions the Town was able to get funds for fire and rescue.

Mr. Norden asked the break even point for residential and Mr. Lee responded it was \$750,000 sale price of dwelling for each child.

Mr. Graham noted that the County had contributed \$1.3 million toward the Town recreation center and that as far as the visitor center, the County was of the opinion that there were more opportunities than the Warrenton visitor center.

Mayor Fitch suggested another Town/County meeting be held where the Town would indicate what they would like and the County would decide what to do and all move forward on the parking and talk about other issues. Mr. Atherton felt the CIP program was the process where these would be discussed.

There was discussion concerning the revenue stream associated with the parking deck, with Mayor Fitch noting there could be about 150 paid parking spaces.

Mr. McLawhon felt that the Home Depot joint effort was a good planning exercise. He noted the Town was working on a corridor overlay and would be willing to work to add some mechanism in order to address rezoning proffer tools in light of Mr. McLawhon's suggestions.

Mr. Atherton stated he thought the Town should be in charge of the commercial future and that the adjoining commercial development should be inside the Town of Warrenton limits.

Mr. Stribling suggested exploring economic growth areas so that don't get another Home Depot where there are no services.

Mr. Albertella stated that there was a third player in the parking plan, that being private industry and the Town needed to do work on its own to develop the process.

There being no other questions or comments, the meeting adjourned at 8:30 p.m.

Evelyn J. Weimer, Town Recorder

Deleted: .¶